



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/759,619	01/16/2004	Larry J. Pacey	WMS-033	8178
30223 7590 01/03/2007 JENKENS & GILCHRIST, P.C. 225 WEST WASHINGTON SUITE 2600 CHICAGO, IL 60606			EXAMINER FREEMAN, WILLIAM	
			ART UNIT	PAPER NUMBER
			3709	
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		01/03/2007	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/759,619

Applicant(s)

PACEY, LARRY J.

Examiner

William T. Freeman

Art Unit

3709

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-40 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-40 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 January 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 1/16/04 and 9/26/06.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: ____.

DETAILED ACTION

Drawings

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description:

Page 12, Line 11 and 16: Reference number 80.

2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description:

Fig. 1 and 2: Reference number 14.

Fig. 4-8, 10-12, and 14-16: Reference number 64.

Fig. 8-10, 12, and 14-16: Reference number 65.

Fig. 14-16: Reference number 66.

Fig. 14-16: Reference number 69.

Fig. 14-16: Reference number 71.

Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either

Art Unit: 3709

“Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claim 1-14, and 29-36 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claims 1 (line 12), 29 (line 9), 32 (line 31), 35 (line 13 and 21), 37 (line 7), and 39 (line 31), the limitation “making an award” renders the claims vague and indefinite. It is not clear what is meant by “making”. Note that the applicant should change the limitation “making” to “awarding”.

Subsequently, claims 2-14 are rejected because they depend from claim 1, claims 30-31 are rejected because they depend from claim 29, claims 33-34 are rejected because they depend from claim 32, and claim 36 is rejected because it depends from claim 35.

Claim 32 recites the limitation "the pay lines" in line 26. There is insufficient antecedent basis for this limitation in the claim. Note that the applicant should change “the pay lines” to “a plurality of pay lines”.

Claim 33 recites the limitation "the first winning pay line" in line 2. There is insufficient antecedent basis for this limitation in the claim. Note if the applicant follows the previous rejection's suggestion for claim 32 above then this rejection will be removed.

In claim 33, the limitation "a modified array" in line 3 renders the claim vague and indefinite. It is unclear if this "modified array" is referring to the same limitation "a modified array" in claim 32 line 29.

Appropriate correction is required.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-28 and 37-40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ainsworth (US 6,544,120).

Re Claim 1, 15, 39, and 40: Ainsworth discloses:

randomly selecting a first plurality of symbols to form a first array (Claim 1 and 17);

displaying the first array (Claim 1 and 17) (Fig. 1 and 4);

Art Unit: 3709

determining if the first array has a first winning outcome/pay line (Claim 1 and 17) ;
randomly selecting a second plurality of symbols (Claim 17) (Fig. 1 and 4);
adding the second plurality of symbols to the first array to form a second array (Col. 4, Lines 34-37) (Claim 1 and 17) (Fig. 1 and 4);
displaying the second array (Claim 1 and 17) (Fig. 1 and 4);
determining if the second array has a second winning outcome/pay line (Col. 4, Lines 34-37) (Claim 1 and 17); and
awarding an award for any winning outcome (Col.4, Lines 34-37) (Claim 1 and 17).

However Ainsworth does not explicitly disclose that a first wager is made to initiate play of the wagering game it is/was well known in the art at the time the invention was made that wagering/slot games function or allow the user to play only after an initial wager has been made.

Re Claim 37 and 38: Using the discussed limitations above Ainsworth further discloses that a third or even more arrays may be played (Col. 4, Line 34-37) (Claim 19) (Fig. 1 and 4).

Re Claim 2-4, and 16-18: Ainsworth discloses that the second array is at least one additional row and/or column (Claim 17) (Fig. 1 and 4).

Re Claim 11-14, and 25-28: Ainsworth discloses that the additional row and/or column can randomly be determined (Col. 4, Lines 10-13) (Claim 17) or the player may choose where the location is (Col. 4, Lines 13-14) (Claim 20).

Re Claim 5 and 19: Ainsworth discloses that the player must make additional wagers on the pay lines of the second, third, etc... arrays (Col. 4, Lines 38-40).

Re Claim 6, 10, 20, and 24: Ainsworth discloses that in order to receive the second array the initial array must have a triggering event (Claim 1 and 17).

Re Claim 7-8 and 21-22: Ainsworth does not disclose that multiple pay tables or probability tables are used.

However it would have been obvious to one of ordinary skill in the art at the time the invention was made to recognize that the initial array could use a first pay table with a maximum of a five-of-a-kind match (if there are five reels with three rows each) and that when the expanded array is used that an alternate/second pay table may be used that will be larger than the first pay table because now the maximum could be a six-of-a-kind match (if an additional reel was added with three rows) or any additional combinations now possible with the expanded array and that in respect with the additional combinations now possible that a second probability table can be used to determine the probabilities of the new combinations in order to make it possible for the player's to

Art Unit: 3709

achieve additional and more rewarding payouts depending on how many bonus/additional arrays they achieve during game play.

Re Claim 9 and 23: Ainsworth discloses that extending/adding a row and/or a column allows extra pay lines to be added to the game (Col. 3, Lines 61-64) (Fig. 1 and 4).

7. Claims 29-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ainsworth (US 6,544,120) in view of Locke et al. (US 2003/0054872).

The teachings of Ainsworth have been discussed above.

Re Claim 29-30, 32-33, and 35: Ainsworth does not disclose that modifier symbols are used that can be added to the first array to form a second array or used to modify the array to form a modified array where the modifier symbols represent a mathematical function.

Locke discloses a multiplier feature that in response to a primary game outcome that additional symbols which are multipliers associated with a mathematical function (as shown in Fig.4-7) are placed in visual association with a symbol array and that payout multipliers are selected for the arrays and used to award greater payouts (Abstract).

Therefore, in view of Locke, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Ainsworth's gaming machine to allow the

Art Unit: 3709

additional arrays to either by modifier symbols are have associated modifier symbols that correspond to the arrays in order to increase the player's excitement because they have the possibility to win even greater payouts with the multiplier symbols.

Re Claim 31, 34, and 36: Ainsworth discloses that in order to receive an additional array the initial array must have a triggering event (Claim 1 and 17).

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Weiss discloses a multi-line, multi-reel gaming device, and Dietz, II discloses an electronic second spin slot machine.

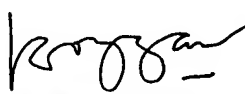
Any inquiry concerning this communication or earlier communications from the examiner should be directed to William T. Freeman whose telephone number is 571-270-1343. The examiner can normally be reached on Mon thr Thu 8:00 - 4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jong-Suk (James) Lee can be reached on 571-272-7044. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3709

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

WF


KIM NGUYEN
PRIMARY EXAMINER